

REMARKS

Reconsideration of the rejections set forth in the Office Action mailed September 6, 2006, is respectfully requested. Claim 54 has been canceled without prejudice. Claim 19 has been amended to include the subject matter of allowable claim 54. Claim 55 has been amended to correct the dependency. Therefore, no new matter has been added with these amendments. Claims 19 and 55-60 remain pending in this case.

Art Rejections

Claims 19, 56, and 58 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Tadlock (U.S. Patent Publication No. 2004/0249429 A1). Claims 57 and 59-60 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Tadlock.

Applicant has amended claim 19 to require the steps of “*measuring cerebral blood flow*” and “*measuring cerebral blood flow after the step of operating the electrical stimulating device.*” These limitations were previously recited in dependent claim 54, which was indicated as allowable in the previous office action. Tadlock does not teach or suggest all of the limitations of currently amended claim 19. Claims 55-60 depend from claim 19 and are patentably distinct for the same reasons. Therefore, Applicant respectfully requests withdrawal of the rejections and reconsideration of the claims as amended.

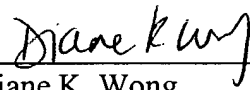
Allowable Subject Matter

Applicant respectfully thanks the Examiner for indicating that claims 54-55 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. As stated previously, Applicant has amended claim 19 to include the limitations of former dependent claim 54.

Favorable action on the merits of the claims is therefore earnestly solicited. If any issues remain, please contact the applicants' undersigned representative at (949) 760-9600. The Commissioner is hereby authorized to charge any fees that may be required in connection with the filing of these documents to Deposit Account No. 50-2862.

Respectfully submitted,
O'MELVENY & MYERS LLP

Dated: February 6, 2007

By: 
Diane K. Wong
Reg. No. 54,550
Attorneys for Applicants

O'Melveny & Myers LLP
610 Newport Center Drive, 17th Floor
Newport Beach, CA 92660-6429